

### REMARKS

Claim 1 was previously pending in this application. Applicant has amended claim 1 and added new claims 2-18. Applicant submits that new claims 2 through 18 are fully supported by the specification and figures as originally filed, and that claims 2 through 18 do not add new matter. Consideration of pending claims 1-18 is respectfully requested.

#### I. Rejection of Claim 1 Under 35 U.S.C. 101

The Examiner has rejected claim 1 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Specifically, the Examiner states "the steps can all be performed by software and therefore, the claims are non-statutory as defined in M.P.E.P. 2106." Applicant submits that software is not *per se* non-statutory subject matter, and that, to the contrary, the U.S. Patent and Trademark Office has issued many patents directed to software inventions. Applicant has reviewed M.P.E.P. 2106 and finds no definition or language specifically stating that a claim is non-statutory if all method steps can be performed by software.

In the interest of furthering prosecution of this application, Applicant has amended claim 1 to recite that the method is carried out in a computer system. If the Examiner maintains this rejection, Applicant respectfully requests clarification as to how claim 1 fails to meet the requirements of 35 U.S.C. 101.

II. Rejection of Claim 1 Based on Non-Statutory Double Patenting

The Examiner has rejected claim 1 under the judicially-created doctrine of obviousness double patenting. Applicant submits herewith a terminal disclaimer (and fee) obviating this rejection.

III. Rejection of Claim 1 Under 35 U.S.C. 103(a)

The Examiner has rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Dodge (U.S. Patent 5,655,130). Specifically, the Examiner states:

As to claim 1, DODGE teaches a method of processing mark-up language elements (SGML) using objects (objects/classes), comprising the steps of: defining object classes for each of the mark-up language elements (col. 4, lines 7-16); creating an HTML template (DTD), the HTML template having a statement (rules) that defines one of the mark-up language elements (via the document type definition which comprises a set of rules which define the relationship between data elements in an SGML source file) (col. 5, lines 21-23; col. 10, lines 1-15; col. 9, lines 41-45); identifying the object class associated with the one of the mark-up language elements (col. 4, lines 21-29; col. 3, lines 37-46). DODGE also teaches the use of object orientation with SGML in order to reuse programming code objects (col. 3, lines 27-36) and creating a document based on object classes (col. 4, lines 21-29; col. 3, lines 37-46). It would be obvious to one skilled in the art at the time of the invention that a class instantiates into an object and has data and methods that can be invoked and therefore it would be obvious that the data and methods of the associated instantiated object classes of the data elements are invoked in order to create a document. See also column 7, lines 24-30, col. 18, lines 32-58 and col. 19, lines 1-10. However, DODGE does not teach that the mark-up language is HTML. Official Notice is taken that it is well known in the art that HTML is a variation of

SGML and therefore would be obvious to one skilled in the art at the time of the invention to use the teachings of DODGE with the well-known mark-up language of HTML in order to re-use objects in forming HTML documents.

Applicant respectfully disagrees. The embodiment of the invention recited in claim 1 is not obvious from Dodge for any one of at least the following reasons: (1) Dodge does not teach or suggest dynamically generating HTML statements; (2) Dodge does not teach or suggest defining object classes for each HTML element; (3) Dodge does not teach or suggest an object instance associated with an HTML element that has data and methods for dynamically generating HTML statements; and (4) Dodge does not teach or suggest an object tree as recited.

Dodge discloses a mechanism for presenting variation-specific documents using SGML. The process of Dodge involves classifying elements within an SGML document, and attaching variation name tags to those elements. When an output document of a particular variation is produced, the SGML file is filtered by specifying the variation names to include/exclude. The filtering process then extracts/includes the appropriate elements in an output SGML file based on the associated variation name tags. The output SGML file may be provided to a formatting process to print out the desired document.

While Dodge filters (includes/excludes) SGML elements, Dodge does not teach or suggest dynamically generating HTML statements. Further, though

Dodge determines different classifications for attaching variation tags to SGML elements (col. 5, lines 34-35), Dodge does not teach or suggest defining object classes for each element, let alone providing object instances with data and methods for generating HTML statements. Rather, Dodge submits a filtered SGML document to a formatting process. Finally, Dodge does not teach or suggest an object tree as recited in claim 1.

For any one of at least the foregoing reasons, Applicant submits that claim 1 is allowable over the cited art.

IV. New claims 2-18

Applicant submits new claims 2-18 for consideration. Applicant submits that new claims 2-18 are allowable over the cited art for at least the reasons that the cited art does not teach or suggest the use of an object tree as recited in independent claim 2, or dynamically generating an HTML statement as recited in independent claim 13.

V. Conclusion

For at least the foregoing reasons, Applicant respectfully submits that pending claims 1-18 are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

THE HECKER LAW GROUP

Date: October 26, 2005

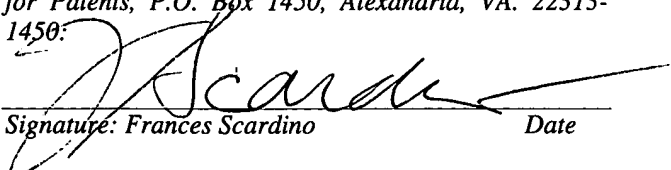
By: 

Todd N. Snyder  
Reg. No. 41,320

THE HECKER LAW GROUP, PLC  
1925 Century Park East  
Suite 2300  
Los Angeles, California 90067  
(310) 286-0377

**CERTIFICATE OF MAILING**

*I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.*

  
Signature: Frances Scardino

Date